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IN THE HIGH COURT OF JUDICATURE AT BILASPUR , CHHATTISGARH

WRIT PETITION NO. 1488 /2002

PETITIONER:

K.K.Nath
Aged about 60 years,
S/o Late Shri Kamini Kumar Nath,
Sub Divisional Officer, E/M FOM
Sub Division. W.R.Department,
Raigarh, Chhattisgarh

VERSUS

RESPONDENTS:

1. State of Chhattisgarh
Through its Principal Secretary,
Water Resources Department;
DKS Bhawan Mantralaya,
Raipur, Chhattisgarh

2. Chief Engineer,
Hasdeo Bango Water
Resources Department
Government of Chhattisgarh,
D.K.S.Bhawan Mantralaya,
Raipur, Chhattisgarh.

3. Executive Engineer,
Water Resources Department,,
Light Machinery Gate Division,
Bilaspur, Chhatisgarh,

4. P.C.Jain. Sub Engineer,
(F&M & Light Machinery)
Divisional Office.
Bilaspur, Chhattisgarh

5. Madhya Pradesh
Administrative Tribunal,
Bench Raipur.
District Raipur. Chhattisgarh.

P. R. No. 1491/02 Presented by Shri ... dated ... 24.10.02

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CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(40)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 1488 सन् 2002

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17-10-2002

Shri P.Diwakar, counsel for the petitioner.

Shri Sanjay K Agarwal, Dy. Advocate General for respondent Nos.1 to 3.

Shri Ranbir Singh, Govt. Adv. for the respondents No.4.

Vide order dt. 30-04-2002 the petitioner who, at the relevant time, was incharge of the office of Sub Divisional Officer, Raigarh was transferred as Sub Divisional Officer Hasdev E/M/R&R Sub Division, Darri, Korba. This order was subject matter of challenge in O.A. No. 486/2002 before the M.P. Administrative Tribunal, Raipur Bench, Raipur. The said O.A. was dismissed on 17-7-2002 and that order is subject matter of challenge in this writ petition.

Admittedly, the petitioner is to retire on 31-10-2002. It is his case that while he was posted at Bilaspur he was directed to join as Sub Divisional Officer, Raigarh in the vacancy caused due to the death of the Sub Divisional Officer, Raigarh on 03-06-2001. While he was at Raigarh, the impugned order transferring him to Hasdev E/M/R&R Sub Division, Darri, Korba was passed. According to the petitioner, since he has just three months of service before superannuation, he ought not to have been transferred as this, apart

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मामला क्रमांक ..... सन् 200

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from causing difficulty in obtaining pension and post retiral benefits, would also cause dislocation as after three months he would again be required to move out. The Tribunal had initially granted interim protection thereafter the O.A. was dismissed.

When the matter came up before the Court, learned State Counsel very fairly stated that since the petitioner is to retire after about fifteen days the State Government will not disturb him and he will be permitted to continue at Bilaspur where he was initially posted, subject to the condition that he should, within three days, hand over the charge of the office at Raigarh where he was posted by way of stop gap arrangement. Recording such submission, the petition is disposed of. Accordingly, it is ordered that in case the petitioner hands over the charge at Raigarh within three days, he shall be permitted to join at Bilaspur, where the Government shall give him a suitable posting.

Consequently I.A. No.4870/02 for urgent hearing also stands disposed of.

Certified copy as per rules.

Sd/-
P.C.Naik
Judge

Sd/-
Fakhruddin
Judge

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